

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRANSPERFECT GLOBAL, INC.,
TRANSPERFECT TRANSLATIONS
INTERNATIONAL, INC., and
TRANSLATIONS.COM, INC.,

Plaintiffs,

v.

MOTIONPOINT CORP.,

Defendant.

No. C 10-2590 CW

ORDER GRANTING IN
PART DEFENDANT'S
MOTION TO STAY THE
PERMANENT INJUNCTION
AND DENYING
DEFENDANT'S MOTION
TO SHORTEN TIME AS
MOOT
(Docket Nos. 546,
547)

On November 13, 2014, the Court entered an order denying Defendant MotionPoint's post-trial motions and granting Plaintiffs TransPerfect Global, Inc.; TransPerfect Translations International, Inc.; and Translations.com, Inc.'s (collectively TransPerfect) motion to amend the permanent injunction. The Court also entered an amended permanent injunction and an amended judgment. The Court stayed the injunction for fourteen days from the date of entry.

MotionPoint has now filed a motion to stay the permanent injunction for forty-five additional days or until the Federal Circuit can rule on an emergency motion for stay. As noted above, when entering the injunction, the Court stayed the injunction for fourteen days. The purpose of this stay was to allow MotionPoint an opportunity to seek a stay from the Federal Circuit. Moreover, the injunction has been stayed for over a year while the post-

1 trial motions were pending. The test for a motion to stay is
2 essentially the same as that for an injunction, which the Court
3 has found is met. Standard Havens Prods. v. Gencord Indus., 897
4 F.2d 511, 512 (Fed. Cir. 1990) (quoting Hilton v. Brauskill, 481
5 U.S. 770, 776 (1987)). The Court will stay the injunction for
6 forty-five days beyond the fourteen-day stay already ordered. The
7 stay will expire at that time, unless MotionPoint files a motion
8 to stay in the Federal Circuit within fourteen days of the date of
9 the injunction and the Federal Circuit grants the stay prior to
10 the expiration of the forty-five day period.

11 Accordingly, the Court GRANTS IN PART MotionPoint's motion to
12 stay. Docket No. 547. The motion to shorten time for the motion
13 to stay is DENIED as moot. Docket No. 546. The Court is prepared
14 to secure compensation for TransPerfect during the pendency of
15 this Court's stay. Within seven days of the date of this order,
16 the parties will file joint or separate proposals for such payment
17 or securities. If the parties are unable to agree, the Court will
18 decide the matter on the papers.

19 IT IS SO ORDERED.

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21 Dated: November 17, 2014


22 CLAUDIA WILKEN
23 United States District Judge
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